

## **LICENSING QUESTION: Inactive vs Volunteer License**

Question:

*My current Maryland RN license will expire soon. I recently retired and was planning to renew as "inactive status." I see there is a "volunteer status," both having the same renewal fee.*

*I am not able to find definite information about the volunteer status. Can you help me understand which renewal would be appropriate for me. I do volunteer work with my church, etc, but do not present myself as volunteering as a nurse. However, my many years of nursing background and being known to members there, I am asked many questions, maintain the first aid kit, etc. There is no fee involved.*

Response:

Thank you for contacting the Maryland Board of Nursing with a question about the difference between an inactive license or volunteer status.

A volunteer license allows a nurse to practice nursing whereas a licensee on inactive status is prohibited from practicing nursing. So, to answer your question, it depends on whether you intend to practice nursing as defined in the Nurse Practice Act without compensation. If your volunteer work at church constitutes the practice of nursing, you must renew as a volunteer and you will be subject to a criminal history records check. If you do not intend to ever practice nursing as a volunteer, without compensation, then the inactive status would be the more appropriate. Only the nurse can answer the question of whether or not he or she intends to practice nursing as a volunteer and without compensation. The renewal fee for both volunteer and inactive status is identical: \$20. COMAR 10.27.01.02(2)(b) & (c).

A volunteer license is governed by section 8-312(c)(2)(ii) (Nurse Practice Act, p. 24), which says that a licensee may renew a license for an additional term to volunteer status if the licensee . . . pays to the Board a renewal fee set in Board's regulations [i.e. a reduced renewal fee of \$20] but only "if the licensee certifies to the Board that the licensee provides professional services only as a volunteer." (emphasis added) This means that the individual who chooses volunteer status may practice nursing in Maryland but is prohibited from receiving any compensation for practicing nursing as a volunteer. In addition, under section 8-312(f) and (g)(NPA, p. 25), a nurse renewing on volunteer status nurse is required to submit to a criminal background check per the schedule (every 10 years) for renewal applicants set forth in the Board's regulations.

In contrast, inactive status is governed by section 8-309 of the NPA ( pages 22-23), which says that a licensee who renews to inactive status "may not practice nursing in this State" but may use the title "Registered Nurse" or "RN." NPA, page 23, section 8-309(c)(emphasis added). A licensee on inactive status is only subject to a criminal history records check upon an application for reactivation of the inactive license. See section 8-309(d)(1)(ii) (NPA, p. 24.)

One other important and very personal consideration is the finality of the retirement decision. Maintaining an active license for another renewal cycle keeps open the option to return to practicing your profession for compensation. Given the uncertainties of life and economics, it may be worth renewing the active status (provided you meet all other requirements for renewal) rather than closing the door on the possibility of practicing for compensation.

Regardless of which status you choose, we thank you for your service to the citizens of Maryland and wish you the best in your retirement.

## **LICENSING QUESTION: Tax Hold**

Question:

*I received a letter from the board stating my license will be put on hold due to a tax payment issue. How could this be possible? This is unfair and just wrong! How can I pay my taxes if you are going to take away my license (or certificate)? This is my livelihood! Who can I talk to about this?*

## Response:

You are not alone in wondering about this issue. In 2003 the Maryland General Assembly passed this statute (law); below is a copy of the relevant text:

**STATUTE which applies to all Boards**, Maryland Code Annotated, Health Occupations Article §1–213(b):

*" Before any license or permit may be renewed under this article, the issuing authority shall verify through the office of the Comptroller that the applicant has paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor, Licensing, and Regulation or that the applicant has provided for payment in a manner satisfactory to the unit responsible for collection."*

**BOARD OF NURSING REGULATION: COMAR 10.27.01.12H -Tax Deficiencies:**

...  
*H. Tax Deficiencies.*

*(1) On a monthly basis, the Board shall notify the Office of the Comptroller of any licensee or certificate-holder:*

*(a) Whose license expires within the next 4-month period; and*

*(b) Whose identity has not previously been provided to the Office of the Comptroller.*

*(2) Upon notification by the Office of the Comptroller of any licensee or certificate-holder who is delinquent in the payment of undisputed taxes or unemployment insurance contributions, the Board shall notify the licensee or certificate-holder that renewal processing shall be delayed until the Office of the Comptroller verifies that the licensee or certificate-holder has made arrangements for payment of the undisputed taxes or unemployment insurance contributions that are satisfactory to the unit responsible for collection.*

*(3) Upon notification by the Office of the Comptroller that the licensee or certificate-holder has made satisfactory arrangements for payment of the undisputed taxes or unemployment insurance contributions, and where the licensee or certificate-holder is otherwise qualified for licensure, the Board shall renew the license or certificate."*

In plain terms, this means that MBON provides to the office of the Comptroller (office that controls monies for the State of Maryland) an electronic data transfer of all the licenses/certificates coming due to renew. Then the Comptroller compares that list to their own database of citizens who owe money for taxes and they tell us who the names are (this is part of where your social security number or tax identification number comes in--to assure the identity of the licensee/certificate holder is really the same person who owes the taxes). We put a hold on the renewal of your license/certificate and notify you. As soon as you pay, the Comptroller releases your name to us for renewal. If you pay the taxes promptly, the hold will be released before your current license/certificate expires and you won't be out of work. If you delay or contest it, you may run out of time and have a period of non-renewed time. Employers can be heavily sanctioned for allowing any unlicensed person to continue working, even for one day.

If you receive a [letter](#) informing you of delinquent taxes, you will not have your license (or certificate) renewed until this agency is notified by the Comptroller that you have resolved the debt.

The Maryland Board of Nursing is committed to Excellent Customer Service, but this is one area where we are unable to assist licensees/certificate holders in any way. We will not discuss, explain, or mitigate the "Tax Hold" placed on your renewal. Please do not call or come in to this agency. Your status will change to the appropriate view on website Look Up A License feature when the Comptroller informs us you have resolved the debt. Please understand that MBON staff are unable to assist individuals coming to the agency in person or calling about the Tax Hold. If you have questions or wish to contest the letter, you must deal directly with the Comptroller's office.